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FROM: Donna M. Meuth 

ALEXANDRIA:

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DATE: October 18, 1999

PAGES TO FOLLOW:

RE:

Your Reference:

Our Reference: 008439-016

MESSAGE:

Per Donna Meuth: Attached are two PTO-850 memoranda. One for U.S. 5,302,529 and one for U.S. 4,775,624 and U.S. 4,968,626.

If you have any questions concerning this facsimile, please contact Verna Montgomery at 703-836-6620.

Client No. 008439-016 Sent By

Fax Tel. No. 703-308-0294

Any questions regarding compatibility should be directed to our Office Services Department at 703/836-6620 in Alexandria, at 650/854-7400 in Menlo Park, and at 919/941-9240 in Durham.

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BOARD OF PATENT APPEALS INTERFERENCES: An interference is found to exist between the following cases:
This interference involves parties

| | | | | |
|--|---------------------------------|------------------------------------|--|--------------------------------------|
| PARTY <i>Foster et al</i> | SERIAL NO. <i>512,961</i> | FLING DATE <i>4/23/90</i> | PATENT NO., IF ANY <i>5,302,529</i> | ISSUE DATE, IF ANY <i>4/12/94</i> |
| If application has been patented, have maintenance fees been paid? <u>Yes</u> <u>No</u> Maintenance fees not due yet | | | | |
| *Accorded the benefit of: | | | | |
| COUNTRY <i>US</i> | SERIAL NO. <i>06/766,109</i> | FLING DATE <i>8/15/85</i> | PATENT NO., IF ANY <i>4,968,626</i> | ISSUE DATE, IF ANY <i>11/6/90</i> |
| The claim(s) of this party which correspond(s) to this count is(are): | | | | |
| PATENTABLE CLAIMS <i>1-4</i> | | UNPATENTABLE CLAIMS <i>none</i> | | |
| The claim(s) of this party which does/do not correspond to this count is(are): | | | | |
| PATENTABLE CLAIMS <i>none</i> | | UNPATENTABLE CLAIMS <i>none</i> | | |

| | | | | |
|--|------------|---------------------|--------------------|--------------------|
| PARTY | SERIAL NO. | FLING DATE | PATENT NO., IF ANY | ISSUE DATE, IF ANY |
| If application has been patented, have maintenance fees been paid? <u>Yes</u> <u>No</u> Maintenance fees not due yet | | | | |
| *Accorded the benefit of: | | | | |
| COUNTRY | SERIAL NO. | FLING DATE | PATENT NO., IF ANY | ISSUE DATE, IF ANY |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| The claim(s) of this party which correspond(s) to this count is(are): | | | | |
| PATENTABLE CLAIMS | | UNPATENTABLE CLAIMS | | |
| The claim(s) of this party which does/do not correspond to this count is(are): | | | | |
| PATENTABLE CLAIMS | | UNPATENTABLE CLAIMS | | |

Instructions

- For every patent involved in the interference, check if the fees have been paid by contacting the MAINTENANCE FEE DEPARTMENT at 308-5069. If fees are due and they have not been paid, the interference cannot be declared since it would involve an expired patent (35 USC 135(a); 37 CFR 1.606).
 - For each party, separately identify the patentable and unpatentable claims which correspond to the count (37 CFR 1.601 (f), 1.601 (n), 1.609(b)(2)).
 - For each party, separately identify the patentable and unpatentable claims which do not correspond to the count (37 CFR 1.609(b)(3)).
 - Forward all files including those the benefit of which is being accorded.
 - Keep a copy of the Interference Initial Memorandum and any attachments for your records.
- All information requested below must be attached on (a) separate sheet(s) and type-written.
- On a separate sheet, set forth a single proposed interference count. If any claim of any party is exactly the same word for word as this count, please indicate the party, application or patent number, and the claim number.
 - For each claim designated as corresponding to the count, provide an explanation of why each claim defines the same patentable invention (37 CFR 1.609(b)(2)).
 - For each claim designated as not corresponding to the count, provide an explanation of why each claim defines a separate patentable invention (37 CFR 1.609(b)(3)).
 - For each additional count, if any, repeat steps 2-6 and, additionally, provide an explanation why each count represents a separate patentable invention from every other count (37 CFR 1.609(b)(1)).

| | | | |
|------|--|---------------|----------|
| DATE | PRIMARY EXAMINER (Signature) | TELEPHONE NO. | ART UNIT |
| DATE | GROUP DIRECTOR SIGNATURE (if required) | | |

The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the copyright application if there are interfering applications necessary for continuity.

THIS PAGE CAN BE DUPLICATED IF THERE ARE MORE THAN TWO INTERFERING PARTIES

BOARD OF PATENT APPEALS INTERFERENCES: An interference is for exist between the following cases:
This interference involves 3 parties

| | | | | |
|---|---------------------------------|------------------------------------|--|--------------------------------------|
| PARTY <i>Banget et al</i> | SERIAL NO. <i>09/185,663</i> | FLING DATE <i>11/4/98</i> | PATENT NO., IF ANY <i>4,775,624</i> | ISSUE DATE, IF ANY <i>10/4/88</i> |
| If application has been patented, have maintenance fees been paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Maintenance fees not due yet | | | | |
| *Accorded the benefit of: | | | | |
| COUNTRY | SERIAL NO. | FLING DATE | PATENT NO., IF ANY | ISSUE DATE, IF ANY |
| <i>US</i> | <i>699,967</i> | <i>2/8/85</i> | <i>4,775,624</i> | <i>10/4/88</i> |
| | | | | |
| | | | | |
| The claim(s) of this party which correspond(s) to this count is(are): | | | | |
| PATENTABLE CLAIMS <i>1-80, 83-92</i> | | UNPATENTABLE CLAIMS <i>none</i> | | |
| The claim(s) of this party which does(do) not correspond to this count is(are): | | | | |
| PATENTABLE CLAIMS <i>81, 82</i> | | UNPATENTABLE CLAIMS <i>none</i> | | |

| | | | | |
|--|------------------------------|------------------------------------|--|--------------------------------------|
| PARTY <i>Foster et al</i> | SERIAL NO. <i>766,109</i> | FLING DATE <i>8/15/85</i> | PATENT NO., IF ANY <i>4,968,626</i> | ISSUE DATE, IF ANY <i>11/6/90</i> |
| If application has been patented, have maintenance fees been paid? <input type="checkbox"/> Yes <input type="checkbox"/> No Maintenance fees not due yet | | | | |
| *Accorded the benefit of: | | | | |
| COUNTRY | SERIAL NO. | FLING DATE | PATENT NO., IF ANY | ISSUE DATE, IF ANY |
| | | | | |
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| | | | | |
| The claim(s) of this party which correspond(s) to this count is(are): | | | | |
| PATENTABLE CLAIMS <i>1-3</i> | | UNPATENTABLE CLAIMS <i>none</i> | | |
| The claim(s) of this party which does(do) not correspond to this count is(are): | | | | |
| PATENTABLE CLAIMS <i>none</i> | | UNPATENTABLE CLAIMS <i>none</i> | | |

Instructions

- For every patent involved in the interference, check if the fees have been paid by contacting the MAINTENANCE FEE DEPARTMENT at 308-5069. If fees are due and they have not been paid, the interference cannot be declared since it would involve an expired patent (35 USC 135(a); 37 CFR 1.606).
 - For each party, separately identify the patentable and unpatentable claims which correspond to the count. (37 CFR 1.601 (f), 1.601 (n), 1.609(b)(2)).
 - For each party, separately identify the patentable and unpatentable claims which do not correspond to the count (37 CFR 1.609(b)(3)).
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 - For each claim designated as not corresponding to the count, provide an explanation of why each claim defines a separate patentable invention (37 CFR 1.609(b)(3)).
 - For each additional count, if any, repeat steps 2-6 and, additionally, provide an explanation why each count represents a separate patentable invention from every other count (37 CFR 1.609(b)(1)).

| | | | |
|------|--|---------------|----------|
| DATE | PRIMARY EXAMINER (Signature) | TELEPHONE NO. | ART UNIT |
| DATE | GROUP DIRECTOR SIGNATURE (if required) | | |

The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application if there are intervening applications necessary for continuity.

THIS PAGE CAN BE DUPLICATED IF THERE ARE MORE THAN TWO INTERFERING PARTIES